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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,462	04/11/2001	Ronald S. Cok	82602THC	8831

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EXAMINER	
GRANT II, JEROME	

ART UNIT	PAPER NUMBER
2626	

DATE MAILED: 11/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/832,462	COK, RONALD S.	
	Examiner	Art Unit	
	Jerome Grant II	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

JEROME GRANT II
PRIMARY EXAMINER

Detailed Action

1.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 5, 16, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snyder.

With respect to claim 1, Snyder teaches a personalized motion imaging system, comprising: a computer 30; a motion image display device (49 and 68) connected to the computer for displaying a motion sequence to a viewer; a camera 26 connected to the computer 30 for capturing an image of the viewer (52, the thing being viewed); and an image processing program (col. 8, lines 5-10) running on the computer for generating a real-time motion image sequence of an environment (projector 56 onto screen 62) and integrating a motion image sequence by moving the viewer 52 across the two track guide rail system depicted in figure 1, into the computer generated motion image sequence of the environment to produce a composite motion image sequence for display of a motion image display device 49 and 68.

What is not specifically shown is the viewer per- se. The written specification of the applicant's invention is directed to a person as the viewer who is able to see herself along with environmental information. However, the subject or object in Snyder is not a viewer but an object, an airplane to be exact. While an airplane cannot actually view anything, it is none-the-less similar to the present invention in that both the object and the environment are displayed on display device. Both the subject image and background images are moving.

Therefore, while the airplane is not a viewer in that it has eyes to see a combined image, the airplane does serve as an object in motion which is captured in conjunction with the motion scenes of the environment. Hence, it would have been obvious to use the airplane as a viewer because it serves substantially the same purpose as a viewer and performs the same function as a viewer, i.e., combined motion images comprise one single image. Moreover, it would have been obvious to one of ordinary skill in the art to mount a camera means along side of inside of the airplane so that it would technically qualify as a viewer in the sense that applicant uses the term.

With respect to claim 2, Synder teaches a motion image sequence of the viewer is captured by the camera 26 in real time. See col. 18, lines 42-47 regarding the recordings of live images (in real time).

With respect to claim 3, Synder teaches the claimed limitation in tha the still image being recorded on a frame whereby 6400 frames are stored and read out at 247 cycles/sec. to produce moving images.

With respect to claim 5, see figure 1 where the display device is arranged os that another viewer behind desk 40 can view the composite images.

With respect to claim 16, Synder teaches wherein the computer includes means (facial animation module 34) for expressing animated emotions which are not original.

With respect to claim 17, Synder teaches an output device (video recorder 47) for recording selected images or image sequences (image frames 6400) from the composite motion image 52 and projector from 56.

2. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Synder in view of Kanade.

Synder teaches motion image sequences but does not address stereo imaging.

Kaned teaches a plurality of cameras arranged about a circular path for producing stereo images with respect to 360 degrees about a subject.

Since, Synder and Kaned are both directed toward motion imaging, the purpose of using stereo motion sequencing for providing multiple dimensions to a motion image would have been recognized by Synder as set forth by Kaned. It would have been obvious to modify figure 1 of Synder so that a plurality of cameras are arrayed in a linear fashion along track 24 for near simultaneous image capturing for the purpose of generating stereo images which is suggested by the plural cameras arranging in circular path for generating stereo images.

With respect to claim 7, the display device 49 and 68 is monocentric and would display stereoscopic images of they were inputted to the display device. The formulation of stereoscopic images is set forth in the rejection to claim 6 above.

With respect to claim 8, because camera 26 is read reads the image 52 at different positions/angles and at different depths, it can be said to be stereo scopic or that it renders stereoscopic images.

3. Claims 4, 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Synder in view of Breslow.

With respect to claim 4, Synder teaches all of the subject matter upon which the claim depends except for displaying the same image on a display device that is viewed by the viewer. As indicated in the rejection to claim 1, the airplane does not have a capability of viewing in that there is no optical reader on the airplane.

Breslow does teach a composite image of a viewer with background information where the composite image is displayed so that a user behind the desk 40 can view the composite images. Since Breslow and Synder are both directed toward displaying composite images, the purpose of viewing images from a perspective of the viewer would have been contemplated by Synder as specifically set forth in Breslow. It would have been obvious to replace the airplane in figure 1 of Synder with an operator or even a plane with a camera mechanism for the purpose of viewing images from the prospective of the viewer for the purpose of generating motions images where both subject and background images are in motion.

With respect to claim 9, it is not clear whether Snyder teaches the use of speakers.

However, Breslow teaches speaker 23 for generating sounds in sequence with generated image. Hence, it would have been obvious to one of ordinary skill in the art to not only generate images but also sounds associated with the images. Since Breslow provides the motivation for generating sounds with the images, it would have been obvious to modify figure 1 of Snyder so that a microphone can detect sounds generated by the viewer and output them to the speaker or that sound images can be generated from the background/environmental images, that are to be combined with the composite images.

With respect to claim 11, Synder teaches a computer 30 for integrating various signals. What is not shown by Synder is integrating audio signals with images.

Ishida teaches signal controller 317 for integrating audio records obtained by microphone 321 with composite images from cameras 12 and 15. The motivation for the rejection of this claim is the same as that for the rejection of claim 9.

4.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Synder in view of Ishida.

Synder teaches all of the subject matter upon which the claim depends except for he microphone.

Ishida teaches a microphone 321 connected to video signal controller 317 for capturing sounds and integrating them with images captured by camera 12 and 15.

Since Synder and Ishida are both directed toward an image capturing device for motion picture, the purpose of integrating sounds with the moving images would have been recognized by Synder as set forth by Ishida. It would have been obvious to modify figure 1 of Synder to add a microphone for the purpose of picking up environmental sounds associated with the movement of the airplane or sounds that are generated by an audio devices that karaoke the motion of an airplane for the purpose of audio sounds accompanying motion images.

5. Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Synder in view of Breslow further in view of August.

Synder in view of Breslow teaches all of the subject matter upon which the claim depends except for the specific teaching of synthesizing speech from stored text.

Synder does teach a computer for performing different synthesizing steps.

August teaches conversion of a text document into speed signals. This limitation is specifically discussed at para. 56, lines 1-11. Hence, the use of text to speech conversion Is well known.

Since Synder, Breslow and August are directed toward image processing of audio and/or imaging signals, the purpose of capturing a text and converting into speed signals would have been recognized by one of ordinary skill in the art for the reason that the computer in Synder could be modified to accommodate the software in August for the purpose of generating the speech signals from text which is already recognized by August.

With respect to claim 13, August teaches integrating audio recordings (speech generated from the text data stored in a text file. The motivation for the rejection of this claim is the same as that of claim 12.

With respect to claim 14, August teaches the speech is generated from text files and the speech is synthesized with an image that is a motion image. The rejection to this claim is substantiated by previous rejections. The motivation for synthesizing speech from text is set forth in the rejection to claim 12 in view of August and the motivation of synthesizing of speech with composite images is provided in the rejection to claim 9 in view of the Breslow reference.

With respect to claim 15, August teaches wherein computer 12 includes means(microphone 18) for integrating recorded spoken sounds from the viewer with an animated image (from facial animation module 34) of a speaker within the composite image range. Although August does not address the composite image limitation, the

reasons for the rejection of this limitation is the same as that of claim 9 or 14 previously rejected.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 703-305-4391. The examiner can normally be reached on Mon.-Fri. from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A Williams, can be reached on 703-305-4963. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

J. Grant II